



General Assembly

January Session, 2007

Committee Bill No. 204

LCO No. 5202

05202SB00204INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

**AN ACT CONCERNING SETTLEMENT OF A CLAIM AGAINST A
MOTOR VEHICLE TORTFEASOR WHERE UNDERINSURED
MOTORIST COVERAGE IS APPLICABLE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-336c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) An insured, when making a claim for uninsured or underinsured
4 motorist benefits, shall make reasonable efforts to establish what
5 liability coverage there is for the owner and operator of an alleged
6 uninsured or underinsured vehicle.

7 (b) For any motor vehicle accident occurring on or after October 1,
8 2006, no insurer may require its insured, as a condition of eligibility for
9 payment of uninsured motorist benefits, to provide affidavits or
10 written statements from the owner or operator of the alleged
11 uninsured vehicle attesting to the fact that the individual did not
12 maintain any liability coverage at the time of the motor vehicle
13 accident.

14 (c) For any motor vehicle accident occurring on or after October 1,

15 2006, no insurer may require its insured, as a condition of eligibility for
 16 payment of underinsured motorist benefits, to provide affidavits or
 17 written statements from the owner or operator of the alleged
 18 underinsured vehicle attesting to the lack of any additional bodily
 19 injury liability bonds or insurance applicable at the time of the motor
 20 vehicle accident.

21 (d) For any motor vehicle accident occurring on or after October 1,
 22 2007, no insurer shall require that its consent is required for settlement
 23 of a bodily injury claim against an underinsured motorist.

24 [(d)] (e) Nothing in this section shall relieve any person seeking to
 25 secure any coverage under an automobile insurance policy of any duty
 26 or obligation imposed by contract or law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	38a-336c

Statement of Purpose:

To eliminate the power of an insurance company writing underinsured motorist coverage to withhold its consent to a settlement of a bodily injury claim for the limit of automobile liability insurance coverage of an underinsured tortfeasor.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.

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